

REMARKS

Prior to entry of this amendment, Claims 1-24 were pending in this application. In the aforementioned Office Action, Claims 1-24 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Krishnamurthy et al. (“Krishnamurthy”; U.S. Pat. No. 6,389,464). Applicants traverse this rejection.

In the prior Office Action, mailed September 27, 2002, Claims 1-4, 7-14, 17-20, 23 and 24 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by Krishnamurthy; and Claims 5, 6, 15, 16, 21 and 22 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Krishnamurthy in view of Land et al (“Land”; U.S. Pat. No. 6,008,805). Applicants’ response to that Office Action, filed on March 18, 2003, included remarks showing how Krishnamurthy does not teach or disclose various claim elements for which the rejections relied upon Krishnamurthy. The current Office Action of April 8, 2003 changes the rejection of Claims 5, 6, 15, 16, 21 and 22 from obviousness to anticipation, now solely relying on Krishnamurthy.

The Office Action states that Applicants’ previous arguments with respect to Claims 1-24 are moot in view of the new grounds of rejection. Applicants disagree. The absence from Krishnamurthy of teachings or suggestions of certain claim elements is not moot, because Krishnamurthy is still the primary, and now only, reference that is relied upon for claim rejections. Therefore, Applicant’s previous remarks are not moot, rather they are persuasive and are still relevant to the new ground of rejection.

The current Office Action is not complete in that it fails to answer or address “all material traversed” as required by MPEP §707.07(f). Even though the statutory ground for rejection of some independent claims has been changed from 35 U.S.C. 103(a) to 35 U.S.C. Ser. No. 09/496,600—Zhang et al.—GAU 2158 (A. Boutah)
Attorney Docket No. 50325-0109

102(e), the core substance of the rejection of the independent claims has not changed. Therefore, the associated substance of the response is not moot and should have been, and still should be, answered. Applicants regret that the previous remarks were not answered to clarify the Office position with respect to the specific teaching of the various claim elements in view of the remarks, to further advance the prosecution of the application, and to provide a complete record of prosecution history. Applicants respectfully requests that any further communications include an answer or reply at least to Applicants' remarks presented herein.

OBJECTIONS

In the Action, the drawings were objected to under 37 CFR 1.83(a) for allegedly failing to show features of the invention specified in the claims. Specifically, original Claims 6, 16 and 22 recited features associated with an “HTML daemon”, which is not shown in the drawings. The presence of an “HTML daemon” in the referenced claims is believed to be a clerical error, with the intent being recitation of an “HTTP daemon”. An “HTTP daemon” was originally described in the specification and illustrated as element 304 in FIG. 3 and in FIG. 4 and addressed in steps 606, 618 and 620 of FIG. 6 and steps 706, 722-728 of FIG. 7.

Therefore, rather than amend the drawings, Claims 6, 16 and 22 are amended herein to recite features associated with an “HTTP daemon” instead of an “HTML daemon”. Such amendments do not add new matter to the application because the “HTTP daemon” was described in the original application. Withdrawal of the objections to the drawings is kindly requested.

REJECTION BASED ON PRIOR ART

Rejection under 35 U.S.C. §102(e)

The Office Action rejected Claims 1-24 under 35 U.S.C. §102(e) as allegedly being anticipated by Krishnamurthy. This rejection is traversed.

Krishnamurthy reference

Krishnamurthy describes a system comprising a site server 12 to which a number of devices 14 can be connected (col. 5, lines 48-50) and a relational database 80 for storing configuration data which, when used in connection with MIB files, allows native interfaces of devices to be interpreted as SNMP operations, thereby allowing for management of different types of devices 14 connected to the site server 12 (col. 6, lines 58-65). Further, a web server 64 of site server 12 supports a scripting language to allow commands to operate on the relational database 80 (col. 8, lines 24-27) and to specify variables in the scripting language to bind to specific MIB instances, thus indicating to an SNMP agent 82 that a specific procedure should be run during processing of SNMP operations (col. 9, lines 30-38).

The site server 12 is designed to be configured from a remote computer 58 using a web browser (col. 12, lines 39-42) and is programmed to download device MIBs corresponding to devices 14 connected to its ports 92, 94, 96 (col. 14, lines 37-40). For example, a Get command is placed in a native protocol and format that can be understood by a device 14 (col. 16, lines 39-42). The site server is further characterized as a universal device management communication interface (col. 19, lines 23 and 24) and universal device management terminal for managing a plurality of devices from different vendors (col. 20, lines 30 and 31).

Independent claims

There are many subtle but patentable distinctions that exist between independent Claims 1, 11, 17, 23 and 24 and the Krishnamurthy reference. It appears that the Office Action is relying on the site server of Krishnamurthy for a teaching of managed network device. A site server is not what is commonly referred to as a managed network device. FIG. 2 and col. 5, line 48 through col. 6, line 28 of Krishnamurthy make it clear that site servers 12a, 12b, 12c operate to communicate with and manage the managed devices 14. Thus, one skilled in the art would interpret the site servers of Krishnamurthy as managing devices as opposed to managed devices. Therefore, site servers 12a, 12b, 12c are likened to network management systems. In contrast, Claim 1 provides the ability to view values of MIB variables through means other than a network management system, for example, from an ordinary browser accessing a MIB on a managed device by communicating with the managed device.

Pending independent Claims 1, 11, 17, 23 and 24 recite the following features:

receiving a connection of a Web browser to the network device;
receiving at the **managed** network device an HTTP request message from the browser to obtain the current value of the MIB variable **from the managed network device to which the MIB variable value pertains**;
receiving the current value of the MIB variable from the MIB of the network device **to which the MIB variable value pertains**; and
communicating the current value of the MIB variable from the network device **to which the MIB variable value pertains** to the browser using an HTTP reply message.

Claims 1, 11, 17, 23 and 24 provide techniques for, in part, **receiving and communicating the value of a MIB variable directly from the managed network device to which the MIB variable pertains**. In other words, a managed network device is queried

Ser. No. 09/496,600—Zhang et al.—GAU 2158 (A. Boutah)
Attorney Docket No. 50325-0109

for management information pertaining to, or about, itself. In contrast, the system of Krishnamurthy receives requests for management information at a site server 12a, 12b, 12c, which accesses a local MIB 72 for information about a managed device 14. The site server must separately query the managed devices and populate the local MIB based on the responses of the devices. Therefore, the site server that manages managed devices is not analogous to the managed network device of Claims 1, 11, 17, 23 and 24, from which values of MIB variables pertaining to itself are communicated.

Krishnamurthy does not teach or suggest directly querying a managed network device, as commonly understood in the art, for a value of a MIB variable pertaining to the same managed network device. In fact, Krishnamurthy teaches away from these claims because Krishnamurthy is directed at a universal device management communication interface/terminal that foregoes any need to modify or provide additional functionality to the actual network devices being managed.

Based on the foregoing reasons, Krishnamurthy cannot and does not anticipate Claims 1, 11, 17, 23 and 24. Withdrawal of the rejection of Claims 1, 11, 17, 23 and 24 is respectfully requested.

Further, Claim 11 includes steps carried out by a processor of a network device. The steps are similar to the steps recited in Claim 1, with additional structure. The structure of the network device of Claim 11 is not taught, disclosed or suggested in the network devices of Krishnamurthy. That is, the network devices 14 of Krishnamurthy are not disclosed or suggested to include an SNMP daemon or an HTTP daemon. For these additional reasons, Claim 11 is patentable over the cited references of record.

Dependent claims

With respect to Claims 5, 6, 15, 16, 21 and 22, the Office Action dated September 27, 2002 admitted that Krishnamurthy failed to teach various features of these claims. Therefore, the deficiencies of Krishnamurthy have already been identified and conceded.

The passages of Krishnamurthy currently relied upon for the teachings that were previously conceded (col. 3, lines 16-33; col. 4, lines 7-11; col. 7, lines 54-65) do not teach the features of Claims 5, 6, 15, 16, 21 and 22 as alleged and, therefore, do not substantiate a *prima facie* case of anticipation. A reference must teach each and every feature of a claim for the reference to anticipate the claim. At this, Krishnamurthy fails. For example, Krishnamurthy does not teach (1) an HTTP-SNMP interface; and (2) an HTTP daemon of a managed network device. Hence, Claims 5, 6, 15, 16, 21 and 22 are patentable over the cited references of record and withdrawal of the rejection of these claims is kindly requested.

In addition, Claims 2-10, 12-16 and 18-22 depend either directly or indirectly from Claims 1, 11 and 17, respectively. Therefore, Claims 2-10, 12-16 and 18-22 are patentable over the references of record for at least the same reasons as presented above in reference to their parent claims. Withdrawal of the rejection of Claims 2-10, 12-16 and 18-22 is requested.

Furthermore, the dependent claims include additional features that are not taught, disclosed or suggested by Krishnamurthy. For example, with respect to Claim 2, Krishnamurthy does not teach **creating and storing a MIB object tree in a memory of the network device.** Portions of claims 1 and 3 of Krishnamurthy are relied on in the Action for the alleged anticipation of this feature. Those portions of Krishnamurthy do not support an anticipation rejection because the memory devices recited in claims 1 and 3 of Ser. No. 09/496,600—Zhang et al.—GAU 2158 (A. Boutah) Attorney Docket No. 50325-0109

Krishnamurthy are part of the “universal device management communication interface” of claim 1, and the “universal device management terminal” of claim 3. As emphasized above, the universal device management interface or terminal (i.e., site server 12) of Krishnamurthy interfaces with managed network devices, but is not the network device being managed, as in Claim 2 of the application. Additionally, the cited memory devices of Krishnamurthy both store at least one MIB file for allowing interpretation of native protocol or native interface operations, but not a MIB object tree, as in Claim 2. For these additional reasons, the rejection of Claim 2 should be withdrawn.

For another example, with respect to Claim 7, the first passage relied upon in the Action (col. 2, lines 24-55) for the rejection of Claim 7 simply describes SNMP, MIBs, and their general relation to each other. The second passage relied upon (col. 8, lines 24-47) discusses a scripting language that (1) provides extensions to allow commands to operate on the relational database 80 (col. 8, lines 24-39), which is not the same as the Management Information Base 72 of Krishnamurthy or the MIB of the network device of Claim 7 of the application; and (2) provides a mechanism for loading groups of related functions when they are needed (col. 8, lines 40-47). Thus, the foregoing passages do not teach, disclose or suggest creating and **storing an executable software element, in association with the browser, configured for packaging an SNMP query into the request for a MIB variable value**. For these additional reasons, the rejection of Claim 7 should be withdrawn.

CONCLUSION

For at least the reasons indicated above, Applicants submit that all of the pending claims (1-40) present patentable subject matter over the references of record, including that which was cited but not applied, and are in condition for allowance. Therefore, Applicants respectfully request the Office to issue a timely Notice of Allowance in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully Submitted,

HICKMAN PALERMO TRUONG & BECKER
LLP

Date: 7/7/03

John D. Henkhaus

John D. Henkhaus
Reg. No. 42,656

(408) 414-1203
1600 Willow Street
San Jose, CA 95125-5106

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450

on 7/7/03 by Clare T